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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,010	04/11/2001	Richard A. Smith	20-464	9656

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EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
2685	17

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,010

Applicant(s)

SMITH ET AL.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/10/03 have been fully considered but they are not persuasive.

The Applicant state that' "Neither Gossman et al. nor Chandra et al. teach or suggest a short message being placed in at least one of the plurality of subscriber queues". In response to the Applicant, the Applicant has to consider the references as a whole. Gossman et al. discloses the SMS messages are stored in memory (queue) but does not specifically disclose that the SMS messages are stored in a particular queue from a plurality of subscriber queues. Chandra et al. disclosed such messages are stored in a particular queue from a plurality of subscriber queues. Therefore, it would have been obvious to one of ordinary skill in the art to provide such method for message queuing, as taught in Chandra et al., to the SMS message distribution center of *Gossman et al.* in order to provide a method to receive, hold, and disburse SMS messages in response to a detect triggering events for a particular subscriber.

The Applicant state that' "Neither Gossman et al. nor Foore et al. teach or suggest a short message being placed in at least one of the plurality of subscriber queues". In response to the Applicant, the Applicant has to consider the references as a whole. Gossman et al. discloses the SMS messages are stored in memory (queue) but does not specifically disclose that the SMS messages are stored in a particular queue

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from a plurality of subscriber queues. Foore et al. disclosed such messages (data) are stored in a particular queue from a plurality of subscriber queues (claim 1). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method for message (data) queuing, as taught in Foore et al., to the SMS message distribution center of *Gossman et al.* in order to provide a method to receive, hold, and disburse SMS messages in response to a detect triggering events for a particular subscriber.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gossman et al.* (6,181,935) in view of *Chandra et al.* (6,058,389).

As per claims 1, 17, and 23, *Gossman et al.* disclosed a message distribution center interposed between a source of a short message and a wireless network including an intended recipient of said short message wherein the message distribution center (fig. 1, 6) comprises an SMTP protocol (col. 12/ln. 37-43, col. 8/ln. 36-41) communication channel to receive said short message from said source of said short message (fig. 1/no. 6, fig. 6/no. 6) and a communication channel to communicate said short message to said wireless network (col. 6/ln. 22-36, col. 10/ln. 4-14).

Gossman et al. discloses the SMS messages are stored in memory (queue) but does not specifically disclose that the SMS messages are stored in a particular queue from a plurality of subscriber queues. *Chandra et al.* disclosed such messages are stored in a particular queue from a plurality of subscriber queues (col. 12/ln. 22-23). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method for message queuing, as taught in *Chandra et al.*, to the SMS message distribution center of *Gossman et al.* in order to provide a method to receive, hold, and disburse SMS messages in response to a detect triggering events for a particular subscriber.

4. Claims 1-3, 5-6, 17-19, 21-25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gossman et al.* (6,181,935) in view of *Foore et al.* (6,542,481).

As per claims 1, 17, and 23, *Gossman et al.* disclosed a message distribution center interposed between a source of a short message and a wireless network

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including an intended recipient of said short message wherein the message distribution center (fig. 1, 6) comprises an SMTP protocol (col. 12/ln. 37-43, col. 8/ln. 36-41) communication channel to receive said short message from said source of said short message (fig. 1/no. 6, fig. 6/no. 6) and a communication channel to communicate said short message to said wireless network (col. 6/ln. 22-36, col. 10/ln. 4-14).

Gossman et al. discloses the SMS messages are stored in memory (queue) but does not specifically disclose that the SMS messages are stored in a particular queue from a plurality of subscriber queues. Foore et al. disclosed such messages (data) are stored in a particular queue from a plurality of subscriber queues (claim 1). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method for message (data) queuing, as taught in Foore et al., to the SMS message distribution center of *Gossman et al.* in order to provide a method to receive, hold, and disburse SMS messages in response to a detect triggering events for a particular subscriber.

As per claims 2-3, 18-19, and 24-25, the modified system of *Gossman et al.* disclosed such standard TCP/IP communication protocol but does not specifically disclose such RMI or SMPP protocols. However, such is well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to modify and apply such RMI or SMPP protocols, well known, to the communication protocols of the modified system of *Gossman et al.*, in order to provide any such standard protocol configurations for exchanging data to be implemented on the existing communication system to save cost.

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As per claims 5, 21, and 27, the modified system of *Gossman et al.* disclosed plurality of queues thresholds but do not specifically disclosed a predetermined maximum number of short message in each of said plurality of subscriber queues. However, such is well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to modify and apply a maximum number of messages in a queue for a subscriber, well known, to the modified system of *Gossman et al.* in order to provide queue capacity control.

As per claims 6, 22, and 28, *Gossman et al.* disclosed said wireless is a wireless intelligent network (WIN) (fig. 1).

5. Claims 4, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gossman et al.* (6,181,935) in view of *Foore et al.* (6,542,481) and further in view of *Couts et al.* (5,974,054).

As per claims 4, 20, and 26, the modified system of *Gossman et al.*, as claimed in claim 1, do not disclosed such FIFO message queues. However, such FIFO message queues are well known in the art, as disclosed in *Couts et al.* (see fig. 1/no. 212). Therefore, it would have been obvious to one of ordinary skill in the art to provide the teaching of FIFO message queues as discussed in *Couts et al.* to the modified system of *Gossman et al.* to maintain a correct transmission order for numbered messages.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dalal (6,321,093) and Laybourn et al. (6,480,710) disclose method for providing short message to mobile device in a communication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN
PRIMARY EXAMINER**

February 12, 2004


A02685